

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2019

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.10253 OF 2010

A.M.Jawahar

...Petitioner

Versus

1. The Chairman,
TNEB, 144, Anna Salai,
Chennai.
2. The Superintending Engineer,
Coimbatore Electricity Distribution Circle (South),
Tatabad,
Coimbatore - 641 012.
3. The Executive Engineer,
Coimbatore Electricity Distribution Circle (South),
Kuniamuthur,
Coimbatore.
4. The Assistant Executive Engineer,
Coimbatore Electricity Distribution Circle (South),
Pothanoor, Coimbatore - 641 023.
5. The Junior Engineer,
Coimbatore Electricity Distribution Circle (South),
Pothanoor (South),
Coimbatore - 641 021.
6. R.Subramanian,
Assistant Executive Engineer Distribution,
TNEB, Kuniyamuthur,
Coimbatore - 641 008.
(6th respondent was impleaded vide order dated 01.07.2010 made in
M.P.No.2 of 2010)
7. P.K.Selvaraj,
Assistant Executive Engineer,
Coimbatore Electricity Distribution Circle (South),
Pothanoor, Coimbatore - 641 023.

8. R.Udayakumar,
Ex.Councilor Ward No.5,
Door No.12, Anbagham,
Anbu Nagar,
Gurusamy Pillai Street, Pothanoor,
Coimbatore - 23.

(Respondents 7 & 8 were impleaded vide order dated 01.07.2010 made in M.P.No.3 of 2010)

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the entire records culminating in the order dated 23.04.2010 in Ku.Aaa.No.Woo.Sey.Poo/E&Pay/Poo/Koo,Kattu/Aa No.04/2010 on the file of the fourth respondent, quash the same and consequently direct the fifth respondent to reinstate the petitioner with all benefits.

For Petitioner : Mr.Sathish
for Mr.G.B.Saravanabhavan

For Respondents - 1 to 5 : Mr.P.R.Dhilipkumar, TNEB

Respondents - 6 & 7 : Mr.K.P.Chandrasekaran

Respondent - 8 : Dismissed vide order
dated 24.02.2012

ORDER

The relief sought for in this writ petition is to call for the entire records culminating in the order dated 23.04.2010 in Ku.Aaa.No.Woo.Sey.Poo/E&Pay/Poo/Koo,Kattu/Aa No.04/2010 on the file of the fourth respondent, quash the same and consequently direct the fifth respondent to reinstate the petitioner with all benefits.

2. Mr.P.R.Dhilip Kumar, learned counsel appearing for the respondents 1 to 5 submitted that the petition has become infructuous. He has also filed the counter affidavit before this Court, wherein, the respondents 1 to 5 have stated as follows:

(i) The orders on suspension have now been withdrawn without prejudice to the departmental action to be proceeded against the petitioner and he was reinstated into Board's service on 21.09.2010 in the same post and in the same section.

(ii) Based on proved charges, departmental action was taken against the petitioner and punishment was awarded after conducting departmental enquiry, imposed the punishment of stoppage of annual increment without cumulative effect vide dated 01.12.2011.

(iii) The petitioner was retired from Board Service on attaining the age of superannuation on 31.05.2011, with all terminal benefits from Podanur South Section of Coimbatore Electricity Distribution Circle South.

3. In view of the statement made by the respondents 1 to 5 in their counter affidavit, nothing survives in this writ petition for further adjudication and therefore, the same is dismissed as infructuous by this Court. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mrr

To

1. The Chairman,
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2. The Superintending Engineer,
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3. The Executive Engineer,
Coimbatore Electricity Distribution Circle (South),
Kuniamuthur, Coimbatore.
4. The Assistant Executive Engineer,
Coimbatore Electricity Distribution Circle (South),
Pothanoor, Coimbatore - 641 023.
5. The Junior Engineer,
Coimbatore Electricity Distribution Circle (South),
Pothanoor (South), Coimbatore - 641 021.

+1cc to Mr.G.B.Saravanabhavan, Advocate, S.R.No.91925

W.P.No.10253 of 2010

PM(CO)

CS/04/12/2019